

EXHIBIT D

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
CHATTANOOGA DIVISION**

ECOLAB Inc., and NALCO COMPANY,
LLC d/b/a Nalco Water, an Ecolab Company
and/or Nalco Water,

Plaintiffs,

v.

ANTHONY RIDLEY, and CHEMTREAT,
INC.,

Defendants.

No. 1:22-cv-00050-TRM-SKL

Hon. Travis McDonough

Magistrate Judge Susan K. Lee

DECLARATION OF LAURENCE D. LIEB

I, Laurence D. Lieb, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am an adult. I make this declaration based on personal knowledge, and if called and sworn as a witness, I would testify competently thereto.
2. I have been retained by Plaintiff Ecolab, and its counsel, Fisher & Phillips LLP, to provide expert opinions regarding my forensic analysis of a data loss prevention system report and documents in the above-captioned litigation.
3. On April 19, 2023, I was deposed by counsel for Defendant, ChemTreat, Inc. (“ChemTreat”) in the above matter.
4. Upon reviewing the Motions to Exclude Certain Opinions of Laurence D. Lieb filed by ChemTreat and Defendant Anthony Ridley (“Ridley”), and my file on this matter, it has come to my attention that my testimony regarding how I obtained Ridley’s OneDrive account (the “OneDrive Account”) was mistaken.

5. During my deposition, I mistakenly testified that I accessed the OneDrive Account by remoting into the computer of a paralegal in EcoLab's in-house counsel's office, where the data was residing as a forensic image of the OneDrive Account. Exhibit B at 22:12-14, 93:16-21, 94:9-11, 117:7-13.

6. However, my file reflects that on January 25, 2023, I participated in a telephone call with Ecolab's Information Technology ("IT") department, during which IT assisted me in accessing the OneDrive Account directly from EcoLab's Microsoft Compliance Center.

7. I also confirmed with IT that in August of 2021, IT ran a Powershell script to restore the OneDrive Account contents, resulting in the below screenshot:

The screenshot shows a Microsoft OneDrive interface within a web browser. The address bar indicates the URL is https://ecolab-my.sharepoint.com/personal/andley_ecolab_com/_layouts/15/onedrive.aspx?view=0. The page title is "Ridley, Anthony - OneDrive". The left sidebar shows a navigation menu with "Our files" selected, displaying a list of items: "Notebooks", "Ridley Ecolab Files", "Desktop", "Headshot from 2015.JPG", and "Anthony @ Ecolab". The main content area displays a table of files and folders with columns for Name, Modified, Modified By, File size, Sharing, and Activity. The table data is as follows:

Name	Modified	Modified By	File size	Sharing	Activity
Notebooks	May 9, 2018	Ridley, Anthony	1 item	Private	
Ridley Ecolab Files	June 1, 2021	Ridley, Anthony	2 items	Private	
Desktop	May 20, 2020	Ridley, Anthony	4 items	Shared	
Headshot from 2015.JPG	April 11, 2015	Ridley, Anthony	1.07 MB	Private	
Anthony @ Ecolab	May 19, 2021	Ridley, Anthony		Shared	

At the bottom left of the interface, there are links for "Get the OneDrive apps" and "Return to classic OneDrive".

8. Therefore, I obtained the OneDrive Account in its entirety from EcoLab's Microsoft Compliance Center, rather than as a forensic image residing on EcoLab's paralegal's computer, as I mistakenly testified during my deposition.

9. My mistaken testimony does not impact the opinions stated in my expert report or rebuttal report.

10. I maintain my opinion stated in Paragraph 45 of my expert report, that the evidence obtained regarding the OneDrive Account is consistent with the fact that Ridley deleted the top level “ridley’s nalco folder” after downloading the contents of the “ridley’s nalco folder” to the LaCie drive.

Respectfully submitted,



Laurence D. Lieb

Dated: